

REMARKS

Claims 1-9, 12-14 and 21-23 were examined by the Office, and in the final Office Action of November 12, 2008 all claims are rejected. With this response claims 1-2, 6, 12-13 and 21 are amended, and new claims 26-31 are added. All amendments and new claims are fully supported by the specification as originally filed. Support for the amendments can be found at least from paragraphs [0017], [0033], [0037], [0054] and [0068]-[0069] of Published Appl. No. 2005/0148359 corresponding to the present application. Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

This response is submitted along with a Request for Continued Examination (RCE).

Claim Rejections Under § 101

On page 3 of the Office Action, claim 12 is rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 12 has been amended as suggested by the Office to recite, “a computer readable storage medium having a stored computer program.” Therefore, applicant respectfully requests withdrawal of the rejection to claim 12.

Claim Rejections Under § 112

On page 3 of the Office Action, claims 10-12 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Applicant respectfully submits that the rejection to claims 10 and 11 is moot in view of the cancellation of those claims, and claim 12 has previously been amended to address this rejection. Therefore, applicant respectfully requests withdrawal of the rejection to claim 12.

Claim Rejections Under § 103

On page 4 of the Office Action, claims 1-9, 12-14 and 21-23 are rejected under 35 U.S.C. § 103(a) as unpatentable over Hameleers et al. (U.S. Appl. Publ. No. 2001/0027104) in view of Focsaneanu et al. (U.S. Patent No. 5,828,666). Applicant respectfully submits that claim 1 is not disclosed or suggested by the cited references, because the cited references, alone or in combination, fail to disclose or suggest all of the limitations recited in claim 1. The cited references at least fail to disclose or suggest adapting in the mobile terminal device the at least one software application by configuring it in one of pre-configured configurations in accordance

with the obtained at least one property of one of the at least one of a number of different types of data connections, as recited in claim 1. In contrast to claim 1, the cited references concentrate on network infrastructure and how it adapts connections, while the present invention is about how a single terminal device itself can configure its applications to use available network connections in the most optimal manner. Therefore, for at least these reasons, claim 1 is not disclosed or suggested by the cited references.

In contrast to amended claim 1, Focsaneanu only discusses adapting voice/data connections to accessible bandwidth, but this is not the equivalent of applying a pre-configured software application configuration according to accessible connections/bandwidth as mentioned in claim 1. See Focsaneanu column 12, lines 54-60. Instead, Focsaneanu adapts networked data traffic according to network conditions, and does not configure end-user software applications to use accessible connections in an optimal way. Therefore, for at least this reason, the cited references fail to disclose or suggest all of the limitations recited in claim 1.

Independent claims 12, 13 and 21 are amended in a manner similar to claim 1, and therefore for at least the reasons discussed above with respect to claim 1 are not disclosed or suggested by the cited references.

The dependent claims rejected above all ultimately depend from an independent claim, and therefore are not disclosed or suggested by the cited references at least in view of their dependencies.

New Claims 26-31

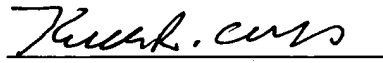
New claims 26-31 ultimately depend from an independent claim, and therefore are believed to be novel and nonobvious over the cited references at least in view of their dependencies.

Conclusion

The rejections of the Office Action having been shown to be inapplicable, withdrawal thereof is requested, and passage to issue of the present application is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

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